

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

JUANE T. KENNEL,

Petitioner,

v.

DAVE DORMIRE,

Defendant.

Case No. 4:09-CV-407 AGF

PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW Juane Kennell, and pursuant to 18 U.S.C. 3006A, 28 U.S.C. § 2254(h), and Rule 8(c) of the Rules Governing § 2254 Cases in the United States District Courts, to appoint Kent E. Gipson to represent him during the remainder of the proceedings in this habeas corpus action. In support of this motion, petitioner states the following grounds:

1. Petitioner commenced this habeas corpus action in 2009. At that time, petitioner's fiancée Tiffany Frawley entered into a fee agreement with Kent E. Gipson to represent petition in this matter. Ms. Frawley agreed to make monthly payments during the duration of this action to cover counsel's fees and expenses.

2. Approximately two and one-half years ago, Ms. Frawley and petitioner ended their engagement and Ms. Frawley has not contributed any funds

to counsel for petitioner since that time. As a result, Mr. Gipson has, in essence, been representing petitioner *pro bono* for the last few years.

3. This Court recently ordered an evidentiary hearing in this matter, which is currently set for September 3, 2015.

4. Petitioner is an indigent prisoner who has been incarcerated continuously since his conviction on the underlying charges. Attached to this motion is an affidavit of indigency and a certified copy of petitioner's inmate account which conclusively demonstrates petitioner's indigent status.

5. Rule 8(c) of the rules governing habeas corpus actions requires that counsel be appointed under 18 U.S.C. § 3006A in cases where an indigent prisoner is granted an evidentiary hearing. Appointment of counsel is also necessary to insure that petitioner has the necessary resources to locate and subpoena witnesses, and is also necessary to prevent financial hardship upon previously retained counsel.

WHEREFORE, for all of the foregoing reasons, petitioner respectfully requests that this Court appoint Kent E. Gipson to represent him in this matter pursuant to the Criminal Justice Act, *nunc pro tunc* to July 15, 2015 or, grant such other and further relief that the Court deems fair and just under the circumstances.

Respectfully submitted,

/s/ Kent E. Gipson

Kent E. Gipson, #34524
Law Office of Kent Gipson, LLC
121 East Gregory Boulevard
Kansas City, Missouri 64114
816-363-4400 • Fax: 816-363-4300
kent.gipson@kentgipsonlaw.com

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of August, 2015, this motion was filed via the CM/ECF system which sent notification to all counsel of record.

/s/ Kent E. Gipson

Counsel for Petitioner